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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 EMILIAN MADALIN NITA,

12 Defendant.

CASE NO. CR12-5075 BHS

ORDER DENYING MOTION  
FOR ADVANCED APPROVAL  
OF COSTS

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14 This matter comes before the Court on Defendant Emilian Madalin Nita's ("Nita")  
15 motion for copies of transcripts (Dkt. 49).

16 On September 24, 2012, the Court entered judgment against Nita. Dkt. 43. On  
17 September 9, 2013, Nita filed the instant motion requesting advanced approval of all  
18 costs attendant to copying the transcript of his criminal proceeding. Dkt. 49.

19 Once an application for writ of habeas corpus has been filed, an indigent prisoner  
20 is entitled to documents without cost per direction of the Court. 28 U.S.C. § 2250. The  
21 Court, however, is without jurisdiction to grant advanced approval of such costs.  
22 Therefore, the Court **DENIES** Defendant's motion.

1 In light of any prejudice issues or equitable tolling issues that may arise based on  
2 Nita's respectful request for advanced approval of certain costs, the Court informs Nita  
3 that, under a recent Supreme Court decision, his one year window to file his writ is due to  
4 expire in the near future. *See Dolan v. United States*, 560 U.S. 605 (2010). Moreover,  
5 the Court may allow amendment or supplementation of an incomplete or insufficient writ  
6 once it is filed. 28 U.S.C. § 2242.

7 **IT IS SO ORDERED.**

8 Dated this 19<sup>th</sup> day of September, 2013.

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12 BENJAMIN H. SETTLE  
13 United States District Judge  
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